

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Dominic Marrocco,

Case No.: 2:18-cv-02441-JAD-EJY

**Plaintiff**

V.

David Johnston, et al.,

## Defendant

## **Order Re: Dispositive Motions**

[ECF Nos. 153, 155, 159, 161]

Defendant David Johnson filed a motion to dismiss on October 23, 2021.<sup>1</sup> Although this Local Rule 7-2(b) limits such motions to 24 pages, Johnson’s motion is 56 pages long. The court does not seek leave to exceed the 24-page limit, and Local Rule 7-2(c) cautions that “[t]he court looks with disfavor” on such requests. Because Johnson’s motion to dismiss exceeds this page limit by 32 pages, it is denied without prejudice to Johnson’s ability to file a motion to dismiss that complies with this court’s rules. This ruling is not intended as a statement that the motion to dismiss is timely, and the court hereby takes no position on the timeliness of the request.

For his part, plaintiff Dominic Marrocco moves for leave to file a renewed summary-judgment motion.<sup>2</sup> The parties' original round of dispositive motions was unimpressive.<sup>3</sup> Although Marrocco suggests that a new opportunity for dispositive-motion practice should follow a recently reopened (and closed) discovery period, he notes that no discovery was actually conducted during that renewed period.<sup>4</sup> So it does not appear that the record has changed in a

<sup>1</sup> ECF No. 159.

|<sup>2</sup> ECF No. 155.

<sup>23</sup> See ECF No. 122.

<sup>4</sup> ECF Nos. 155, 157.

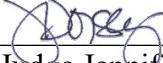
1 way that would justify another bite at the summary-judgment apple. The court thus does not find  
2 good cause to order another round of summary-judgment motions.

3 IT IS THEREFORE ORDERED that Johnson's Motion to Dismiss [ECF No. 159] is  
4 **DENIED** without prejudice, and the stipulation to extend the deadline to respond to it [ECF No.  
5 161] is **DENIED** as moot.

6 IT IS FURTHER ORDERED that the Plaintiff's Motion for Updated Scheduling Order  
7 and for Leave to File a Renewed Summary-Judgment Motion [ECF No. 155] is **DENIED**.

8 This case is more than three years old and it is time it proceeds to trial. So IT IS  
9 FURTHER ORDERED that the Plaintiff's Renewed Proposed Pretrial Order [ECF No. 153] is  
10 **DENIED** without prejudice. **The parties are directed to meet and confer and file a Joint  
11 Pretrial Order as required by Local Rules 16-3–16-4, no later than December 20, 2021.**

12 DATED November 5, 2021

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14 United States District Judge Jennifer A. Dorsey

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